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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,130

09/26/2003

Christopher W. Ramirez

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08/31/2005

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EXAMINER

LE, NANCY LOAN T

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,130	RAMIREZ ET AL.	
	Examiner	Art Unit	
	NANCY LOAN T. LE	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to amendment filed on 16 May 2005 in which claims 2, 3, 7, 8, 11-13, 17 and 18 have been amended; and all other claims 1, 4-6, 9, 10, 14-16, 19 and 20 remain the same. Thus, claims 1-20 have been examined and are now pending.

Drawings

2. The replacement of the drawings filed on 16 May 2005 is accepted by the examiner.

Claim Objections

3. Previous objection to claims 2-3, 5, 7, 8, 11-13, and 15-16 due to informalities has been withdrawn. Claim 17 remains objected b/c of the following informalities: the word "**and**," should be removed from the third limitation as in "*link the value that uniquely identifies the information handling system with the product code value*".

Information Disclosure Statement

4. The information disclosure statement filed on 27 February 2004 for the foreign patent EP 0 921 487 A1 in particular, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered by the examiner because no legible copy of the above-mentioned foreign patent was submitted.

Response to Arguments

5. Applicant's arguments, see Applicant's Arguments or Remarks made in an Amendment, filed on 16 May 2005, with respect to the rejection of claims 1-20 under Bueche, U.S. Patent No. 6,834,269 have been fully considered and are persuasive. Therefore, the rejection of the last office action under Bueche has been withdrawn. However, upon further consideration, a new ground of rejection of claims 1-20 is now made in view of Horstmann, U.S. Patent No. 6,009,401, published on 28 December 1999.

Claim Rejections - 35 USC §102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. §102(b) as being anticipated by *Horstmann, U.S.*

Patent No. 6009401, published on 28 December 1999.

As per claim 1, Horstmann discloses a method for enabling remote restoration of a purchase verification, comprising:

- obtaining a value that uniquely identifies an information handling system (i.e., machine ID, a unique identification of the end-user machine – see col. 5, lines 6-7, 10);
- obtaining a promotion code value that identifies a benefit (i.e., obtaining/retrieving a *license certificate* [identified by license number] that identifies/describes license terms, policies, info. for relicensing, server locations, etc. – see col. 3, lines 12-17);
- linking the value that uniquely identifies the information handling system with the promotion code value for the information handling system (i.e., the relicensing manager sends a request for the re-installation of the software along with the unique 'machine ID', a unique identification of the end-user machine on which the software and license certificate reside, to the clearing house server – see col. 5, lines 4-7);
- during remote restoration, obtaining the promotion code value for the information handling system by providing the value that uniquely identifies the information handling system (i.e., the relicensing manager provides the 'machine ID' to the clearing house server ... and retrieves/obtains the license certificate if a matching purchase record can be found – see col. 4, lines 6-11; col. 5, line 10); and,

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- providing the promotion code value to the information handling system to re-enable the benefit (i.e., providing the license certificate to the requested end-user machine for re-licensing and download of the software – see col. 4, lines 6-34).

As per claim 2, Horstmann discloses the method of claim 1, further comprising:

- installing application software in an information handling system memory when the information handling system is assembled at a manufacturing facility (col. 4, lines 31-34); and,
- linking any promotion code values with the value that uniquely identifies the information handling system within an order management system (i.e., the relicensing manager ... re-installing and updating the license certificate on the requested end-user machine – see col. 4, lines 10-11, 31-34).

As per claims 3, 8, 13, 18, Horstmann discloses the method/system of claims 1, 7, 11, and 17, respectively, wherein:

- the promotion code value includes a system-specific key that enables a benefit (i.e., the license certificate/ticket includes a 'machine ID' that allows/authorizes for the re-installation and re-licensing of the previously installed software for the requested end-user machine – see col. 4, lines 10-34; col. 5, lines 4-16).

As per claims 4 and 14, Horstmann discloses the method/system of claims 3 and 13, respectively, wherein:

- the benefit was erased prior to registration of the benefit (i.e., in the event the machine hard drive fails, the license certificate [that enables the benefit] ... need to be re-installed. Thus, it is understood that the old license terms & policies stored in the old license certificate was automatically wiped out just prior to the re-installation/registration of the license certificate & software itself – see col. 3, lines 63-65; col. 4, lines 10-34); and
- the method includes placing the keys and software back onto the information handling system (i.e., re-installing the license certificate and the software itself onto the requested end-user machine – see col. 4., lines 10-34).

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As per claims 5, 9, 15, and 19, Horstmann discloses the method/system of claims 1, 7, 11, and 17, respectively, wherein:

- the value that uniquely identifies the information handling system is a service tag (i.e., a purchase document such as a license certificate or a sales receipt with a unique license number that can be used to retrieve the electronic license that allows for convenient re-download and re-licensing of the software – see col. 2, lines 61-63; col. 3, lines 12-17; col. 5, lines 33-37).

As per claims 6, 10, and 20, Horstmann discloses the method/system of claims 1, 7, and 17, respectively, further comprising:

- determining whether any promotion code value or benefit is present on the information handling system during the remote restoration (i.e., the relicensing manager first checks the relicensing policies as stored within the license terms portion of the license certificate stored on the end-user's machine – see col. 4, lines 14-16); and
- comparing an expected promotion code value and expected benefit to any promotion code value or benefit stored on the information handling system to determine which promotion code value and benefit to restore to the information handling system (i.e., the clearing house server checks the license certificate database for the particular license certificate & compares for its terms, policies, permission with re-licensing, etc. – col. 4, lines 12-25).

As per claim 7, Horstmann discloses a process for remote creation of a system-specific key for a benefit purchased post point-of-sale comprising:

- obtaining a value that uniquely identifies an information handling system (i.e., machine ID, a unique identification of the end-user machine – see col. 5, lines 6-7, 10);
- obtaining a promotion code value that identifies the benefit (i.e., obtaining/retrieving a *license certificate* [identified by license number] that identifies/describes license terms, policies, info. for relicensing, server locations, etc. – see col. 3, lines 12-17);
- linking the value that uniquely identifies the information handling system with the product code value (i.e., linking the 'machine ID' with the ticket serial number contained in the ticket that identifies the name of the authorized software to be downloaded –col. 5, lines 7-12); and,

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- creating the system-specific key for the benefit purchased post point-of-sale based upon the value that uniquely identifies the information handling system (i.e., the clearing house server creates/returns a 'ticket' that allows/authorizes the relicensing of the software for the particular, requested end-user machine – see col. 5, lines 7-12); and,
- providing the promotion code value to the information handling system to enable the benefit (i.e., providing the license certificate to the requested end-user machine for enabling the re-licensing and download of the software – see col. 4, lines 6-34).

As per **claim 11**, Horstmann discloses a system for enabling remote restoration of a purchase verification, comprising:

a restore module (i.e., a relicensing manager – see col. 3, line 12; col. 4, lines 6-34), the restore module being configured to:

- obtain a value that uniquely identifies an information handling system (i.e., machine ID, a unique identification of the end-user machine – see col. 5, lines 6-7, 10);
- obtain a promotion code value that identifies a benefit (i.e., obtaining/retrieving a *license certificate* [identified by license number] that identifies/describes license terms, policies, info. for relicensing, server locations, etc. – see col. 3, lines 12-17);
- link the value that uniquely identifies an information handling system with the product code value for the information handling system (i.e., linking the 'machine ID' with the ticket serial number contained in the ticket that identifies the name of the authorized software to be downloaded –col. 5, lines 7-12);
- during remote restoration, obtain the promotion code value for the information handling system by providing the value that uniquely identifies the information handling system (i.e., the relicensing manager provides the 'machine ID' to the clearing house server ... and retrieves/obtains the license certificate if a matching purchase record can be found – see col. 4, lines 6-11; col. 5, line 10); and,

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- provide the promotion code value to the information handling system to re-enable the benefit (i.e., providing the license certificate to the requested end-user machine for enabling the re-licensing and download of the software – see col. 4, lines 6-34).

As per **claim 12**, Horstmann discloses the system of claim 11 further comprising:

- an install module, the install module installing application software on an information handling system memory when the information handling system is assembled at a manufacturing facility (i.e., a relicensing manager – see col. 3, line 12; col. 4, lines 6-11, 21-34); and,
- a link module, the link module linking any promotion code values with the value that uniquely identifies the information handling system within an order management system (i.e., relicensing manager, installing & linking license certificate with the specific, requested end-user's machine – see col. 4, lines 6-34).

As per **claim 16**, Horstmann discloses the system of claim 11 further comprising:

- a determining module, the determining module determining whether any promotion code value or benefit is present on the information handling system during the remote restoration (i.e., the relicensing manager first checks the relicensing policies as stored within the license terms portion of the license certificate stored on the end-user's machine – see col. 4, lines 14-16); and
- a comparing module, the comparing module comparing an expected promotion code value and expected benefit to any promotion code value or benefit stored on the information handling system to determine which promotion code value and benefit to restore to the information handling system (i.e., the clearing house server checks the license certificate database for the particular license certificate & compares for its terms, policies, permission with re-licensing, etc. – col. 4, lines 12-25).

As per **claim 17**, Horstmann discloses a system for remote creation of a system-specific key for a benefit purchased post point-of-sale comprising:

a restore module (i.e., a relicensing manager – see col. 3, line 12; col. 4, lines 6-34), the restore module being configured to:

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- obtain a value that uniquely identifies an information handling system (i.e., machine ID, a unique identification of the end-user machine – see col. 5, lines 6-7, 10);
- obtain a promotion code value that identifies a benefit (i.e., obtaining/retrieving a *license certificate* [identified by license number] that identifies/describes license terms, policies, info. for relicensing, server locations, etc. – see col. 3, lines 12-17);
- link the value that uniquely identifies an information handling system with the product code value for the information handling system (i.e., linking the 'machine ID' with the ticket serial number contained in the ticket that identifies the name of the authorized software to be downloaded –col. 5, lines 7-12);
- create the system-specific key for the benefit purchased post point-of-sale based upon the value that uniquely identifies the information handling system (i.e., the clearing house server creates/returns a 'ticket' that allows/authorizes the relicensing of the software for the particular, requested end-user machine – see col. 5, lines 7-12); and,
- provide the promotion code value to the information handling system to enable the benefit (i.e., providing the license certificate to the requested end-user machine for enabling the re-licensing and download of the software – see col. 4, lines 6-34).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday-Thursday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on **(571) 272-6712**. ***For official/regular communication***, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**. ***For informal/draft communication***, the fax number is **(571) 273-7066 (rightfax)**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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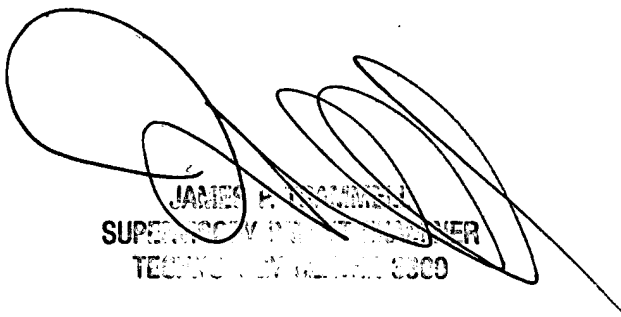
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22 August 2005



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